



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

MICHAEL W. DOBBINS
CLERK

312-435-5670

May 14, 2008

Mr. Gino J. Agnello, Clerk
U.S. Court of Appeals-Seventh Circuit
219 South Dearborn Street-Room 2722
Chicago, Illinois 60604

RE: Vazquez -v- Village of Bensenville

U.S.D.C. DOCKET NO. : 07 cv 6679

U.S.C.A. DOCKET NO. : 08 - 2040

Dear Mr. Agnello:

Please find attached the original record on appeal consisting of the following:

VOLUME(S) OF PLEADING(S) *1 Volume of Pleadings*

VOLUME(S) OF TRANSCRIPT(S)

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

VAULT ITEMS:

OTHER (SPECIFY):

SPECIAL NOTE:

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Michael W. Dobbins, Clerk

By: _____
D. Jordan, Deputy Clerk

I, MICHAEL W. DOBBINS, CLERK of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

1 Volume of Pleadings

In the cause entitled: Vazquez -v- Vlg. Of Bensenville.

USDC NO. : 07 cv 6679

USCA NO. : 08 - 2040

IN TESTIMONY WHEREOF, I hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this 14th day of May 2008.

MICHAEL W. DOBBINS, CLERK

By: _____
D. Jordan, Deputy Clerk

APPEAL, CASREF, KEYS, REOPEN

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-06679
Internal Use Only

Vazquez v. Village of Bensenville et al
Assigned to: Honorable Ruben Castillo
Demand: \$750,000

Case in other court: 08-02040

Cause: 42:1983 Civil Rights Act

Date Filed: 12/14/2007

Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

William Vazquez

represented by **Steven E. Cyranoski**
Michael Best & Friedrich LLP
(Illinois)
180 North Stetson Avenue
Suite 2000
Chicago, IL 60601
(312) 596 5805
Email: secyranoski@michaelbest.com
ATTORNEY TO BE NOTICED

V.

Defendant

Village of Bensenville

represented by **Phillip Anthony Luetkehans**
Schirott & Luetkehans, P.C.
105 East Irving Park Road
Itasca, IL 60143
(708) 773-8500
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Armstrong

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105 East Irving Park Road
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ATTORNEY TO BE NOTICED

Defendant

County of DuPage

TERMINATED: 04/04/2008

represented by **Thomas F. Downing**
DuPage County States Attorney's
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503 North County Farm Road
Wheaton, IL 60187
(630)407-8200
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/28/2007	1	RECEIVED Complaint and 2 copies by William Vazquez. (gmr,) (Entered: 11/29/2007)
11/28/2007	2	CIVIL Cover Sheet. (gmr,) (Entered: 11/29/2007)

11/28/2007	3	PRO SE Appearance by Plaintiff William Vazquez. (gmr,) (Entered: 11/29/2007)
11/28/2007	4	APPLICATION by Plaintiff William Vazquez for leave to proceed in forma pauperis. (gmr,) (Entered: 11/29/2007)
12/14/2007	5	MINUTE entry before Judge Ruben Castillo : After careful review, plaintiffs application to proceed in forma pauperis 4 is granted. Plaintiff should proceed with service on the named defendants. If plaintiff can not retain counsel, he should file a motion for this Court to consider appointing counsel. The Court will hold a status hearing in open court on 2/7/2008 at 9:15 a.m. Mailed notice (mb,) (Entered: 12/17/2007)
12/14/2007	6	COMPLAINT filed by William Vazquez; (mb,) (Entered: 12/17/2007)
12/19/2007		SUMMONS Issued: two original and two copies; two copies of the complaint; two certified copies of the minute order dated 12/14/07 to the U.S. Marshal's service as to Defendants Village of Bensenville, County of DuPage (mb,) (Entered: 12/19/2007)
01/08/2008	7	PROCESS RECEIPT for summons Returned Executed by the U.S. Marshal as to Village of Bensenville on 12/31/2007, answer due 1/22/2008. (tlm) (Entered: 01/11/2008)
01/21/2008	8	Appearance by Village of Bensenville (Luetkehans, Phillip) (Entered: 01/21/2008)
01/21/2008	9	Appearance by Village of Bensenville (Funk, Robert) (Entered: 01/21/2008)
01/21/2008	10	Appearance by Village of Bensenville (Armstrong, Brian) (Entered: 01/21/2008)
01/21/2008	11	MOTION by Defendant Village of Bensenville for extension of time to file answer <i>or otherwise plead</i> (Luetkehans, Phillip) (Entered: 01/21/2008)
01/21/2008	12	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion for extension of time to file answer 11 before Honorable Ruben Castillo on 1/29/2008 at 09:45 AM. (Luetkehans, Phillip) (Entered: 01/21/2008)
01/28/2008	16	SUMMONS Returned Executed by U.S. Marshals Service as to County of DuPage on 1/24/2008, answer due 2/13/2008. (rp,-) (Entered: 02/01/2008)
01/29/2008	13	MINUTE entry before Judge Ruben Castillo :The status hearing set for 2/7/2008 will begin at 9:00 a.m. Motion hearing held on 1/29/2008. Plaintiff's oral motion for default is granted. The Court hereby enters a default against defendants Village of Bensenville and County of DuPage for failure to timely appear, answer or otherwise plead.

		Defendant Village of Bensenville's motion for extension of time to answer 11 is denied for failure to appear. Mailed notice (rao,) (Entered: 01/29/2008)
01/30/2008	17	SUM CERTAIN by William Vazquez ; Notice. (rp,) (Entered: 02/01/2008)
01/31/2008	14	MOTION by Defendant Village of Bensenville to set aside default (Luetkehans, Phillip) (Entered: 01/31/2008)
01/31/2008	15	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion to set aside default 14 before Honorable Ruben Castillo on 2/7/2008 at 09:00 AM. (Luetkehans, Phillip) (Entered: 01/31/2008)
02/07/2008	18	MINUTE entry before Judge Ruben Castillo :Status hearing held on 2/7/2008 and continued to 4/8/2008 at 9:00 a.m. Defendants' motion to set aside default 14 and Plaintiff's pro se motion for sum certain 17 are entered and continued to 4/8/2008 at 9:00 a.m. Mailed notice (rao,) (Entered: 02/07/2008)
02/07/2008	19	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Magistrate Judge Arlander Keys for the purpose of holding proceedings related to: settlement conference.(rao,)Mailed notice. (Entered: 02/07/2008)
02/13/2008	20	MOTION by Defendant County of DuPage to dismiss <i>Defendant, County of DuPage's, Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure</i> (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	21	MOTION by Defendant County of DuPage to set aside default (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	22	ATTORNEY Appearance for Defendant County of DuPage by Paul Francis Bruckner (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	23	ATTORNEY Appearance for Defendant County of DuPage by Paul Francis Bruckner (<i>Appearance by Thomas Downing</i>) (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	24	NOTICE of Motion by Paul Francis Bruckner for presentment of motion to dismiss 20 , motion to set aside default 21 before Honorable Ruben Castillo on 2/27/2008 at 09:45 AM. (Bruckner, Paul) (Entered: 02/13/2008)
02/26/2008	25	MINUTE entry before Judge Ruben Castillo :The Court will hear Defendant, County of DuPage's motion to dismiss 20 and motion to set aside default 21 on 2/27/2008 at 9:15 AM.Mailed notice (rao,) (Entered: 02/26/2008)
02/27/2008	26	MINUTE entry before Judge Ruben Castillo: Motion hearing held on 2/27/2008. Defendant, County of DuPage's motion to set aside default

		21 and Defendant, Village of Bensenville's motion to set aside default 14 are granted. The default entered against the defendants on 01/29/08 is vacated. Defendant, County of DuPage's motion to dismiss plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure 20 is granted without prejudice. The Court hereby dismisses Plaintiff's complaint without prejudice. The status hearing set for 04/08/08 at 9:00 a.m. will stand. Civil case terminated. Mailed notice (tlm) (Entered: 02/28/2008)
03/10/2008	27	MINUTE entry before Judge Ruben Castillo :Status hearing reset to 4/22/2008 at 9:45 AM. Status hearing set for 4/8/2008 is vacated.Mailed notice (rao,) (Entered: 03/10/2008)
03/14/2008	28	MINUTE entry before Judge Arlander Keys :Settlement Conference set for 4/4/2008 at 01:30 PM. All parties are to be represented at the settlement conference by an individual (other than their attorneys) with full authority to settle. The parties are to exchange (but not file) written settlement offers, copies of which are to be submitted to the court by 3/31/08. This is a requirement, not an option and no follow up calls for this information will be made by the court's staff. Failure to comply with this requirement is sanctionable. (ac,) (Entered: 03/14/2008)
03/27/2008	29	MOTION by Defendant Village of Bensenville to strike <i>Settlement Conference</i> (Luetkehans, Phillip) (Entered: 03/27/2008)
03/27/2008	30	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion to strike 29 before Honorable Arlander Keys on 4/2/2008 at 09:00 AM. (Luetkehans, Phillip) (Entered: 03/27/2008)
04/02/2008	31	MINUTE entry before Judge Honorable Arlander Keys:Counsel for Defendant only appeared on Defendant Village of Bensenvilles Motion to strike Settlement Conference. The motion is granted for the reasons stated on the record. The settlement conference set before this Court for 4/4/08 is hereby stricken. All matters relating to the referral of this action having been resovled, the case is returned to the assigned judge. Judge Honorable Arlander Keys no longer referred to the case. (ac,) (Entered: 04/02/2008)
04/02/2008	32	MINUTE entry before Judge Honorable Ruben Castillo:Status hearing set for 4/22/2008 is vacated. The Court has received a letter from plaintiff which indicated he has been convicted and will remain incarcerated. The Court recommends that Judge Keys strike his scheduled settlement conference on 4/4/2008. Any amended complaint in this case will be due on or before 6/6/2008. If plaintiff desires court appointed counsel he should file such a motion which details his current financial status. Plaintiffs request for a petition for habeas corpus is denied. Mailed notice (ef,) (Entered: 04/03/2008)

04/04/2008	<u>33</u>	AMENDED complaint by William Vazquez against Village of Bensenville;Notice.(ef,) Modified on 5/5/2008 (ef,). (Entered: 04/08/2008)
04/04/2008		(Court only) *****Case Reopened per Amended Complaint. (tlm) (Entered: 04/22/2008)
04/14/2008	<u>36</u>	NOTICE of emergency appeal by William Vazquez regarding orders <u>32</u> (ifp) (dj,) .(with letter from Court of Appeals) (Entered: 04/28/2008)
04/21/2008	<u>34</u>	ANSWER to amended complaint by Village of Bensenville(Luetkehans, Phillip) (Entered: 04/21/2008)
04/21/2008	<u>35</u>	NOTICE by Village of Bensenville re answer to amended complaint <u>34</u> of Filing (Luetkehans, Phillip) (Entered: 04/21/2008)
04/28/2008	<u>37</u>	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 04/28/2008)
04/28/2008	<u>38</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>36</u>. Notified counsel (dj,) (Entered: 04/28/2008)
04/30/2008	<u>39</u>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal <u>36</u>; USCA Case No. 08-2040. (ef,) (Entered: 05/01/2008)
05/01/2008	<u>40</u>	CIRCUIT Rule 3(b)/ PLRA Fee Notice. (ef,) (Entered: 05/06/2008)
05/08/2008	<u>41</u>	LETTER from William Vazquez dated 5/4/08. (ef,) (Entered: 05/13/2008)
05/13/2008	<u>42</u>	MINUTE entry before Judge Honorable Ruben Castillo:Plaintiffs motion to appoint counsel is granted. Steven E. Cyranoski, of Michael Best & Friedrich LLP, 180 North Stetson Avenue, Suite 2000, Chicago, IL 60601, (312) 596-5805 is hereby appointed to represent the plaintiff. Mailed notice (ef,) (Entered: 05/14/2008)

KEY

All items are included in this record.
All crossed out items are not included in the record.
S/C: These items are sent under a separate certificate.
N/A: These items are not available.